

**THE UNITED STATES BANKRTUPCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYVALNIA**

In re: : Case No: 17-12155  
Paul D. Breyer :  
Debtor : Chapter 7

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2018, upon Motion of the Debtor to avoid a judicial lien held by Discover Bank in personal property and/or real property of the Debtor located at 2661 Elbridge Street, Philadelphia, Pennsylvania 19149.

**AND**, the Debtor having asserted that the alleged lien arising from the judgment entered at Philadelphia Municipal Court No. SC-16-05-02-3127 is subject to avoidance pursuant to 11 U.S.C. § 522(f),

**AND**, the Debtor having certified that adequate notice of the Motion was sent to the Respondent, and that no answer or other response to the Motion has been filed,

It is hereby **ORDERED** that the Motion is **GRANTED** by default.

It is further **ORDERED**, subject to 11 U.S.C. § 349(b), that the judicial lien held by the Respondent, if any, in the real property of the Debtors and/or the personal property of the Debtor listed and claimed as exempt in Schedule C of the Debtor's bankruptcy schedules is **AVOIDED**.

BY THE COURT:

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J.

**THE UNITED STATES BANKRTUPCY COURT  
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Paul D. Breyer :  
Debtor : Chapter 7

**DEBTORS' MOTION TO AVOID JUDICIAL  
LIEN OF DISCOVER BANK ON EXEMPT PROPERTY**

Now comes Debtor Paul D. Breyer ("Debtor") by and through his counsel, Kenny, Burns & McGill, files this Motion to Avoid the Judicial Lien of Discover Bank and states as follows:

1. The Debtor filed a petition for relief under Chapter 7 of the Bankruptcy on March 29, 2017.
2. The Debtor seeks to avoid the judicial lien of Discovery Bank (the "Lien") which was created by the filing of a judgment on February 10, 2017 at in Philadelphia Municipal Court No. SC-16-05-02-3127.
3. Prior to the filing of Debtor's petition, Discover obtained and recorded a prejudgment writ of attachment against certain real property owned by Debtor on or about February 10, 2017.
4. Said property included 2661 Elbridge Street, Philadelphia, Pennsylvania 19149.
5. On or about August 25, 2017, this Court granted Debtor a discharge pursuant to 11 U.S.C. § 727.

WHEREFORE, for at least the foregoing reasons, Debtor hereby respectfully requests this Honorable Court for an order avoiding the Discover Bank lien.

Respectfully submitted,

Kenny, Burns & McGill.

By: /s/Thomas D. Kenny  
Thomas D. Kenny  
Attorneys for Debtor  
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Dated: February 23, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Debtor's Motion to Reopen Case was served this 23<sup>rd</sup> day of February 2018, on the following by first-class mail and/or electronic filing system:

Christine C. Shubert, Trustee  
821 Wesley Avenue  
Ocean City, NJ 08226

United States Trustee  
Office of the U.S. Trustee  
833 Chestnut Street, Suite 500  
Philadelphia, PA 19107

Michael J. Dougherty, Esquire  
Weltman, Weinberg & Reis Co., LPA  
170 S. Independent Mall W., Suite 874W  
Philadelphia, PA 19106

Matteo S. Weiner, Esquire  
Thomas Puleo, Esquire  
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701 Market Street, Suite 5000  
Philadelphia, PA 19106

Kenny, Burns & McGill.

By: /s/Thomas D. Kenny  
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